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SENATE BILL 44

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO PROFESSIONAL SERVICES; PROVIDING LIMITED LIABILITY FOR CONSTRUCTION CONTRACTORS AND ARCHITECTS WHO VOLUNTEER IN DISASTERS OR CATASTROPHIC EVENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Construction Industries Licensing Act is enacted to read:

"[NEW MATERIAL] LIMITED LIABILITY--VOLUNTEER SERVICES AT DISASTER.--

A. A contractor who voluntarily and without compensation provides contracting services at the scene of a declared national, state or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, flood, collapse or other similar disaster or catastrophic event shall not be liable for any personal injury, wrongful death, property

underscoring material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 damage or other loss caused by the contractor's acts, errors or
2 omissions in the performance of the contracting services.

3 B. The immunity provided for in this section shall
4 apply only to a voluntary contracting service that occurs
5 within thirty days of the emergency, disaster or catastrophic
6 event unless extended by an executive order issued by the
7 governor pursuant to the governor's emergency executive powers.
8 Nothing in this section shall be construed to provide immunity
9 for wanton, willful or intentional misconduct or to a person
10 whose act or omission caused the disaster or catastrophic
11 event."

12 Section 2. A new section of the Architectural Act is
13 enacted to read:

14 "[NEW MATERIAL] LIMITED LIABILITY--VOLUNTEER SERVICES AT
15 DISASTER.--

16 A. An architect who voluntarily and without
17 compensation provides architectural services at the scene of a
18 declared national, state or local emergency caused by a major
19 earthquake, hurricane, tornado, fire, explosion, flood,
20 collapse or other similar disaster or catastrophic event shall
21 not be liable for any personal injury, wrongful death, property
22 damage or other loss caused by the architect's acts, errors or
23 omissions in the performance of the architectural services.

24 B. The immunity provided for in this section shall
25 apply only to a voluntary architectural service that occurs

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underscoring material = new
[bracketed material] = delete

1 within thirty days of the emergency, disaster or catastrophic
2 event unless extended by an executive order issued by the
3 governor pursuant to the governor's emergency executive powers.
4 Nothing in this section shall be construed to provide immunity
5 for wanton, willful or intentional misconduct or to a person
6 whose act or omission caused the disaster or catastrophic
7 event."

8 Section 3. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2007.

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